

Chapter H 44

IMMUNIZATION CHECKPOINT LAW

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Note: Chapter H 44 was revised by emergency rule effective 9-1-76; Chapter H 44 as it existed on July 31, 1977 was repealed and a new Chapter H 44 was created effective August 1, 1977.

H 44.01 Introduction. (1) **PURPOSE.** The underlying purpose of any immunization activity is the prevention of disease and suffering and permanent disability that may result. The immunization checkpoint law, section 140.05(16), Wis. Stats., as public policy seeks to identify and immunize those children who are still susceptible to measles, rubella, polio, diphtheria, tetanus, and pertussis upon admission to elementary school or day care center, and to assure the immunizations required to prevent transmission of these diseases.

(2) **CHILDREN INCLUDED IN CHECKPOINT LAW.** The emphasis placed on meeting minimum immunization requirements upon entry to an elementary school, or day care center, by section 140.05(16), Wis. Stats., and these rules, does not reflect a lack of emphasis by the department on the immunization of infants and preschoolers according to accepted immunization schedules as medical policy. The minimum immunization requirements are not intended as a recommended immunization schedule for infants and preschoolers, rather, they are intended only for those children who have not completed such a schedule of immunization in infancy and early childhood.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.02 Definitions. (1) **FIRST TIME ADMISSION.** (a) First time admission to elementary school means any child enrolling in an elementary school who did not attend a Wisconsin public, private, or parochial elementary school the previous school year.

(b) First time admission into a day care center refers to a child who has not previously attended a Wisconsin day care center.

(2) **ELEMENTARY SCHOOL.** Elementary school means any public, private, or parochial school which includes any grade kindergarten through 8.

(3) **DAY CARE CENTER.** The term day care center as used in these rules shall include any facility defined as a "Day Care Center" in the Rules for Licensing Day Care Centers for Children, Wisconsin Administrative Code PW-CY 40.10 which includes day nurseries and nursery schools.

(4) **LOCAL PUBLIC HEALTH AGENCY.** Local public health agency means any agency or official specified in sections 140.09, 141.01, 141.015, 141.02, 141.04, 141.06, Wis. Stats., including city, county and city/county health departments, city and county public health or community health nursing agencies.

(5) **DEPARTMENT.** Department shall mean the Wisconsin department of health and social services, unless otherwise specified.

(6) **IMMUNIZATION HISTORY.** Immunization history means the approximate dates (at least the month and year) each dose of vaccine was administered.

(7) **SCHOOL NURSE.** School nurse means a nurse employed by a local board of education, CESA, or other educational agency, to provide health services to students enrolled in the school system.

(8) **PARENT.** Parent means the parent, parents, or person, or persons, acting in loco parentis of any child.

(9) **COMPLIANCE ALTERNATIVE.** Compliance alternative means one of the 4 conditions specified in section 140.05(16), Wis. Stats., under which a child may be admitted to an elementary school or be allowed to attend a day care center for the first time. Specifically they are submission by the parent of one of the following to the school or day care center:

(a) An immunization history indicating completion of the minimum immunizations against measles, rubella, polio, diphtheria, tetanus, and pertussis required under section 140.05(16), Wis. Stats., as prescribed.

(b) Signed permission by the parent to have the child immunized in a prompt and timely manner:

1. By a private physician specified by the parent and/or
2. By the local public health agency.

(c) Certification for any health exemption.

(d) Certification for any religious exemption.

(10) **DATE OF ADMISSION.** Date of admission or admission means the first day of class attendance.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.03 Minimum immunization requirements. (1) **REQUIREMENTS.** Under the authority provided in section 140.05(16), Wis. Stats., minimum immunization requirements shall be prescribed by the department in accordance with the recommendations of the advisory committee on immunization practice (ACIP) of the U.S. public health service.

(a) These requirements shall be published as guidelines, developed, and updated by the department.

(b) The guidelines shall include vaccine-specific minimum immunization requirements for all children covered by section 140.05(16), Wis. Stats.

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(c) Minimum immunization requirements according to age shall apply to all students being admitted for the first time to any Wisconsin public, private, or parochial elementary school, and any day care center in the state.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.04 Exemption for health reason. (1) **EXEMPTION CERTIFICATION.** Upon certification by a duly licensed physician that, in the opinion of that physician, a particular immunization required under section 140.05(16), Wis. Stats., is or may be detrimental to the health of a particular child, the requirements for that particular immunization shall be waived by the department for that child until it is certified by that physician or another physician chosen by the parent that the particular immunization is no longer detrimental to the health of the child.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.05 Exemption for religious reason. (1) **EXEMPTION CERTIFICATION.** Upon certification by the parent that a particular child is being raised as an adherent to a religious belief which precludes immunization, the immunization requirements under section 140.05(16), Wis. Stats., shall be waived by the department for that child.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.06 Responsibilities of parents. (1) **RESPONSIBILITIES.** The parent of any child shall secure for that child the immunizations required under section 140.05(16), Wis. Stats., from available medical sources such as private physicians and public health agencies.

(a) The parent of any child planning to attend a day care center or being admitted to a Wisconsin elementary school for the first time shall submit to school officials, prior to admission, a complete and accurate immunization history indicating that the child meets the minimum immunization requirements or permission for the child to be immunized:

1. By a private physician specified by the parent and/or
2. By the local public health agency.

The immunization history shall be in the format prescribed by the department.

(b) If at that time the history indicates that the child does not meet the minimum immunization requirements (based upon ACIP recommendations and described in the compliance form issued by the department) under section 140.05(16), Wis. Stats., and the parent chooses not to grant permission for the child to be immunized, the parent of that child shall provide one of the following:

1. Certification of exemption for health reason;
2. Certification of exemption for religious reason.

(c) The parent shall notify the school or day care center promptly of the type and date of any immunization required under section 140.05(16), Wis. Stats., which is administered to their child after the

immunization history has been submitted to the school or day care center.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.07 Responsibilities of elementary schools. (1)
RESPONSIBILITIES. The responsibilities assigned to elementary schools under these rules shall be those of the local school board and the school administrator. The administrator or school board may delegate certain tasks to other school employes (i.e., teachers, clerks, school nurses) but the responsibility for compliance with these requirements remains with the administrator and the school board.

(a) No principal, teacher, or administrator of any elementary school shall admit any child who does not meet the requirements for admission as prescribed by the department under section 140.05(16), Wis. Stats., and as further delineated in (b) and (c) below.

(b) As a part of the enrollment process for each first time admission, the school shall obtain from the parent an accurate and complete immunization history for that child indicating that the child meets the minimum immunization requirements or permission of the parent for the child to be immunized:

1. By a private physician specified by the parent and/or
2. By the local public health agency.

The immunization history shall be in a format prescribed by the department.

(c) If at that time the history indicates that the child does not meet the minimum immunization requirements (based on ACIP recommendations and described in the compliance form issued by the department) under section 140.05(16), Wis. Stats., and the parent chooses not to grant permission for the child to be immunized, the school shall obtain from the parent one of the compliance alternatives as stated under H 44.06(1) (b).

(d) By October 15 or within 45 days after admission for any particular student the school shall submit a report to the local public health agency indicating the name, immunization status, and the compliance alternative selected for each student who does not meet the minimum immunization requirements under section 140.05(16) Wis. Stats. The initial report by October 15 shall be in a format prescribed by the department and shall also include statistical information concerning the compliance alternative selected for all first time admissions.

(e) The school shall maintain on file the immunization histories of children entering school for the first time and the compliance alternatives (as outlined in H 44.06(1) (b)) selected by the parent of each child who does not meet the minimum immunization requirements. These shall be maintained for any particular child as long as that child attends the school.

(f) The school shall update these immunization histories with information supplied by the local public health agency, parents, or private physicians.

(g) The immunization history or record of any student who transfers from one school to another shall be forwarded to the new school.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.08 Responsibilities of day care centers. (1) RESPONSIBILITIES. The licensee for each day care center shall be responsible for compliance with the rules and regulations pertaining to minimum immunization requirements.

(a) No director, administrator, members of the board of directors, owner or teacher of a day care center shall admit any child who does not meet minimum immunization requirements according to age as prescribed by the department under section 140.05(16), Wis. Stats., and as further delineated in (b) and (c) below.

(b) Prior to admission, the day care center shall obtain from the parent of each child being admitted to a Wisconsin day care center for the first time, an accurate and complete immunization history for that child indicating that the child meets the minimum immunization requirements or permission for the child to be immunized:

1. By a private physician specified by the parent and/or
2. By the local public health agency.

The immunization history shall be in a format prescribed by the department.

(c) If at that time the history indicates that the child does not meet the minimum immunization requirements (based upon ACIP recommendations and described in the compliance form issued by the department) under section 140.05(16), Wis. Stats., and the parent chooses not to grant permission for the child to be immunized the day care center shall obtain from the parent one of the compliance alternatives as stated under H 44.06(1) (b).

(d) Twice a year, in conjunction with the visits by a licensor, each day care center shall provide statistical information concerning the degree of compliance with section 140.05(16), Wis. Stats., among children attending the center. This information shall be provided in a format prescribed by the department.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.09 Responsibilities of local public health agencies. (1) RESPONSIBILITIES. Each local public health agency shall be responsible for making available those immunizations required under section 140.05(16), Wis. Stats. Those vaccines available free from the department shall be administered without charge.

(a) By mutual agreement, responsibility for making the needed immunizations available may be transferred from the local public health agency to any school.

(b) By November 15 each local public health agency shall report to the department statistical information concerning the degree of compliance with section 140.05(16), Wis. Stats., among first time admission to each elementary school within the geographic service area of that local public health agency. These reports will be made on forms prescribed by the department.

(c) The local public health agency shall assist the department in informing schools and day care centers of provision in section 140.05(16), Wis. Stats., and these rules.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.

H 44.10 Responsibilities of the department. (1) RESPONSIBILITIES. The department shall develop, maintain, and update guidelines for the interpretation of these rules. These guidelines shall include vaccine-specific minimum immunization requirements for children covered by section 140.05(16), Wis. Stats., and shall be based upon the recommendations of the advisory committee on immunization practice of the U.S. public health service.

History: Cr. Register, July, 1977, No. 259, eff. 8-1-77.